IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 2088 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANAIYALAL BHUTAJI BACHETTA & 3 - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR PT JASANI for Applicant(s) : 1 - 4.
Mr SS Patel, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,
MR BIPIN I MEHTA for Respondent(s) : 2,
MR PURVISH J MALKAN for Respondent(s) : 2,
NOTICE SERVED BY DS for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 08/02/2007

ORAL JUDGMENT

1. Upon notice, respondent no.3, the original complainant has remained present in the court today

along with A.S.I., Mr P.R. Waghela, who identifies the original complainant. Petitioner No.1 and 4 are also personally present in the court.

2. It was stated on behalf of the petitioner that, before and after the alleged incident of 3.6.1996 for which F.I.R. registered as CR No.I/163/96 dated 27.7.1996 was filed, the petitioners and respondent no.3 have been amicably living side by side at the same place. It was also stated that the parties have no grudge against each other and the original complainant did not propose to pursue the complaint or the Criminal Case No. 1530/97 pending in the court of learned J.M.F.C., Gandhinagar. She, therefore, sought leave to compound the offence and end the unnecessary litigation.

3. Learned APP and learned counsel appearing for Mr Malkan having no objection and the parties having amicably settled their dispute, the petition is allowed at their request, without entering into merits. Accordingly, the charge sheet made pursuant to the aforesaid F.I.R. and the Criminal Case

No.1530/97 pending in the court of learned J.M.F.C., Gandhinagar, are hereby quashed. Rule is made absolute with no order as to costs.

[D. H. Waghela, J.]

msp